

### REMARKS

Claims 33-77 are pending in the application. Applicants amend claim 34 to correct a minor informality. No new matter has been added.

The Examiner objected to claim 34 for an apparent informality. Applicants amend claim 34 to remove the comma immediately preceding the period at the end of the claim. Applicants respectfully request that the Examiner withdraw the claim objection.

Claims 33-77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,873,028 to Nakano et al. in view of U.S. Patent No. 6,603,751 to Odenwalder and U.S. Patent No. 5,267,261 to Blakeney, II et al. Applicants respectfully traverse the rejection.

The Examiner relied upon Odenwalder as a new combining reference that allegedly teaches the claimed “method and system [for] performing a handoff in a wireless communication system [that] has a controller that determines a window of time for receiving downlink signals from the plurality of base stations, said controller determining the window of time based upon the determined timing for sending an uplink signal ...” Page 3, lines 12-18 of the Office Action. The cited portions of Odenwalder—namely, Fig. 3 and col. 5, line 56 through col. 6, line 28—merely describe, however, a reference  $t_{\text{search}}$  that corresponds to a time required to collect  $N$  samples on a frequency  $F2$ . A total time may be  $t_{\text{search}}$  plus the time it takes to process the samples after returning to an original frequency  $F1$ . The cited portions merely describe a mobile station performing a hard handoff search excursion at frequency  $F2$  in response to a Candidate Frequency Search/Control Message (“CFSCM”) from a base station. Thus, the mobile station tunes to frequency  $F2$  and collects the  $N$  samples as soon as it receives the CFSCM, as illustrated in Fig. 3. And therefore, Odenwalder, as cited and relied upon, does not disclose or suggest “determining the window of time based upon the determined timing for sending an uplink

signal," as alleged by the Examiner. Indeed, Fig. 3 of Odenwalder appears to merely be an illustration of a sequence of events during a search excursion at frequency F2, as described on col. 6, lines 3-24 of Odenwalder, where the events are represented by time durations. The cited portions of Odenwalder do not disclose or suggest any controller determining the timing of any of these events based on any other determined timing. In other words,  $t_{\text{search}}$  is the time required to collect N samples, and is not a time window set to collect the samples.

As such, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine Nakano et al., Odenwalder, Blakeney et al., such a combination would still have failed to disclose or suggest,

"[a] mobile station in a mobile communication system, comprising:  
a timing unit for determining, based upon a received downlink signal, timing for sending an uplink signal,  
a receiving unit for receiving a plurality of downlink signals from a plurality of base stations in a soft handoff mode with the mobile station, and  
a controller for determining a window of time for receiving downlink signals from the plurality of base stations, said controller determining the window of time based upon the determined timing for sending an uplink signal, wherein  
said controller controlling processing of downlink signals from the plurality of base stations such that only downlink signals having a receive timing during the window of time will be processed to affect an uplink signal," as recited in claim 33.  
(Emphasis added)

Accordingly, Applicants respectfully submit that claim 33 is patentable over Nakano et al., Odenwalder, and Blakeney, II et al., separately and in combination, for at least the above-stated reasons. Claims 34, 36, 38-39, 41-42, 61-62, 66, and 71-76 incorporate features that correspond to those of claim 33 cited above, and are, therefore, together with claims 35, 37, 40, 43-60, 63-65, 67-70, and 77 dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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Docket No.: FUJX 17.079 (100794-11354)  
DTC:bf